

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK E. SUNNERGREN,  
Plaintiff,

v.

DARRIN BRIGHT, et al.,  
Defendants.

Case No. 22-cv-00746 BLF (PR)

**ORDER GRANTING MOTION TO  
WITHDRAW AND FOR  
VOLUNTARY DISMISSAL**

(Docket No. 29)

Plaintiff, proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. On March 24, 2023, Plaintiff filed a motion for voluntary dismissal, stating that he wishes to withdraw this action against the named parties. Dkt. No. 29.

A plaintiff has the absolute right to dismiss his or her action by filing a notice of dismissal “at any time before service by the adverse party of an answer or of a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Said dismissal may be with or without prejudice, but unless plaintiff’s notice of dismissal states otherwise, it is deemed to be “without prejudice.” *See* Fed. R. Civ. P. 41(a)(1); *Humphreys v. United States*, 272 F.2d 411, 412 (9th Cir. 1959).

Based on the foregoing, Plaintiff’s motion for voluntary dismissal is **GRANTED**.

1 Dkt. No. 29. This action is **DISMISSED** without prejudice.

2 The Clerk shall terminate all pending motions and close the file.

3 This order terminates Docket No. 29.

4 **IT IS SO ORDERED.**

5 Dated: March 29, 2023

  
BETH LABSON FREEMAN  
United States District Judge

United States District Court  
Northern District of California

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